

Remarks/Arguments

This Response is provided in response to the Advisory Action mailed May 11, 2005, and the final Office Action mailed January 24, 2005 and accompanies a request for continued examination (RCE) filed for this case. Claims 1-6, 8-13, and 15-20 were rejected under 35 U.S.C. §102(b) as being anticipated by prior art, and further rejected claims 7, 14, and 21 under 35 U.S.C. §103(a) as being unpatentable over prior art.

A telephone interview was conducted on April 18, 2005 between Examiner Williams and Applicant's attorney Daniel Dooley. The Applicant thanks the Examiner for granting and participating in the April 18, 2005 after final telephone interview, and most particularly for suggesting a relationship between the concave recess 50 and centerline 54 of Fig. 6 be claimed to distinguish the present invention from the prior art of record.

The addition of the terms vertex, center of curvature, and principle axis in reference to the concave recess of amended independent claims 1, 8, and 15 does not add new matter because, as one skilled in the art appreciates, the terms are inherent attributes present in any concave surface (see Exhibit A), and are therefore inherent characteristics of the concave recess of the present invention. Because the terms are inherent characteristics of the concave recess of the present invention, the Applicant has offered amendments for inclusion in the specification and drawings. The amendments to the specification and drawings have been made to provide an enhanced understanding of the present invention as claimed by independent claims 1, 8, and 15.

The amendments to independent claims 1, 8, and 15 do not add new subject matter; place each independent claim in condition for allowance; and broaden the scope of each independent claim by removing unnecessary claim limitations. The amendments to dependent claims 2-7 (depending from independent claim 1); claims 9-14 (depending from independent claim 8); and claims 16-21 (depending from independent claim 15), have been made to maintain consistence of terminology between the dependent claims and their corresponding independent claims, and to more clearly point out and distinctly claim the subject matter considered by the Applicant as his invention.

In addition to the inclusion of Exhibit A, the Applicant is including a second attachment, Exhibit B. Exhibit B, shows the results of an independent test comparing the

benefits of one embodiment of the present invention over prior art. The limitations of “a principle axis of the concave recess passing through a center of curvature and a vertex of the concave recess is substantially perpendicular to and offset from a centerline of the main body portion” within independent claims 1, 8, and 15, is a significant reason for the unexpected level of improved performance of the present invention over prior art.

Claim Amendments

The Applicant has provided amendments to claims 1-21 in response to the telephone interview with Examiner Williams on April 18, 2005. The amendments do not narrow the scope of claims 1-21, nor introduce new matter into claims 1-21.

Rejection of Claims Under 35 U.S.C. §102(b)

The Office Action rejected claims 1-6, 8-13, and 15-20 under 35 U.S.C. §102(b) as being anticipated by United States Design Patent No. 229,739 issued to Charles D. Briddell, January 1, 1974 (Briddell '739).

Anticipation means a lack of novelty, and is a question of fact which is reviewed by the reviewing court using a substantial evidence standard. *Brown v. 3M*, 60 USPQ2d 1375 (Fed. Cir. 2001); *Baxter Int'l, Inc. v. McGaw, Inc.*, 47 USPQ2d 1225 (Fed. Cir. 1998). To anticipate a claim, every limitation of the claim must be found in a single prior art reference, arranged as in the claim. *Karsten Mfg. Corp. v. Cleveland Golf Co.*, 58 USPQ2d 1286 (Fed. Cir. 2001). *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 122 S.Ct. 1831 (2002). Each such limitation must be found either expressly or inherently in the prior art reference. *Schering Corporation v. Geneva Pharmaceuticals, Inc.*, 02-1540, Decided August 1, 2003 (Fed. Cir. 2003).

Briddell '739 fails to identically show the claim limitation of: “a principle axis of the concave recess passing through a center of curvature and a vertex of the concave recess is substantially perpendicular to and offset from a centerline of the main body portion” of claims 1, 8, and 15. Therefore, Briddell '739 fails to provide a basis for an anticipation rejection under 35 U.S.C. § 102(b) of independent claims 1, 8, and 15.

Furthermore, each of the prior art references of record:

United States Design Patent No. 186,021 issued to Thomas Lamb, September 1, 1959 (Lamb '021);

United States Design Patent No. 119,400 issued to O.E. Skelton, March 12, 1940 (Skelton '400);

United States Patent No. 5,692,265 issued to David F. Dalury, December 2, 1997 (Dalury '265);

United States Patent No. 5,946,762 issued to Anthony M. Dionisio, September 7, 1999 (Dionisio '762);

United States Patent No. 6,591,455 issued to Glen Heavenor, July 15, 2003 (Heavenor '455);

United States Patent No. 6,502,314 issued to Michael S. McCatty, January 7, 2003 (McCatty '314);

United States Design Patent No. D470,662 issued to Dana W. Altheimer et al., February 25, 2003 (Altheimer '662);

United States Design Patent No. 353,240 issued to David W. Naterman, December 6, 1994 (Naterman '240);

United States Patent No. 4,380,122 issued to Peter C. Jagger, April 19, 1983 (Jagger '122); and

United States Patent No. 108,141 issued to P. Houseman et al., October 11, 1870 (Houseman '141),

also fail to identically show “a principle axis of the concave recess passing through a center of curvature and a vertex of the concave recess is substantially perpendicular to and offset from a centerline of the main body portion.”

Accordingly, the Applicant requests withdrawal of the rejection of claims 1-6, 8-13, and 15-20 under 35 U.S.C. §102(b), and passage of same to allowance.

Rejection of Claims Under 35 U.S.C. §103(a)

The Office Action further rejected claims 7, 14, and 21 under 35 U.S.C. §103(a) as being unpatentable over Briddell '739, and as evidenced by Lamb '021. This rejection is respectfully traversed.

Because claims 7, 14, and 21 depend from either allowable independent claims 1, 8, or 15, and provide further limitations to their respective independent claims, depending claims 7, 14, and 21 stand as patentable claims. Further, because Briddell '739 does not teach or suggest “a principle axis of the concave recess passing through a center of curvature and a vertex of the concave recess is substantially perpendicular to and offset from a centerline of the main body portion” of claims 1, 8, and 15, and Lamb '021 fails to cure the deficiencies of Briddell '739 because Lamb '021 also fails to teach or suggest “a principle axis of the concave recess passing through a center of curvature and a vertex of the concave recess is substantially perpendicular to and offset from a centerline of the main body portion,” Briddell '739 alone or in combination with Lamb '021 fails to provide a basis for sustaining a rejection of claims 7, 14, and 21 under 35 U.S.C. §103(a).

Accordingly, the Applicant requests withdrawal of the rejection of claims 7, 14, and 21 under 35 U.S.C. §103(a), and passage of same to allowance.

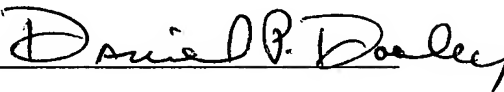
Conclusion

The Applicant respectfully requests reconsideration and allowance of all of the claims pending in the application. This along with the accompanying request for continued examination (RCE) is intended to be a complete response to the Advisory Action mailed May 11, 2005 and the final Office Action mailed January 24, 2005.

The Applicant submits that the amendments to the specification, drawings, and claims do not add new matter, distinguish the present invention from all prior art of record, and serves to place the instant Application for Letters Patent in condition for allowance, and accordingly requests the Examiner to pass Patent Application Serial No. 10/822,286 to allowance.

Should any questions arise concerning this response, the Examiner is invited to contact the below listed Attorney.

Respectfully submitted,

By: 

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Amendments to the Drawings:

The attached drawing sheets, annotated drawing sheet three of four (“3/4”), and replacement drawing sheet 3/4 includes Figs. 4, 5, 6, and 7. The changes shown in annotated drawing sheet 3/4 (and included in replacement drawing sheet 3/4) include changes to Figs. 4, 5, and 6 which are:

For Fig. 4, the sign line, reference numeral, and location of the centerline 54 of Fig. 6 have been added.

For Fig. 5, the sign line, reference numeral, and location of centerline 54 of Fig. 6; the sign line, reference numeral, and location of the principle axis of the concave recess 50; and the sign line, reference numeral, and location of the center of curvature of the concave recess 50 have been added.

For Fig. 6, the sign line, reference numeral, and location of the vertex of the concave recess 50 have been added.

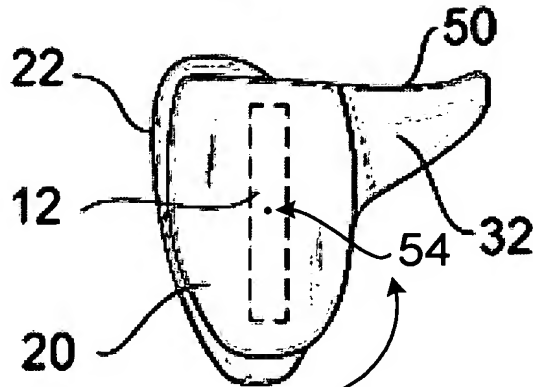
No new matter has been added by way of amendments to the drawings.

Attachments: Replacement Sheet
Annotated Sheet



3 / 4

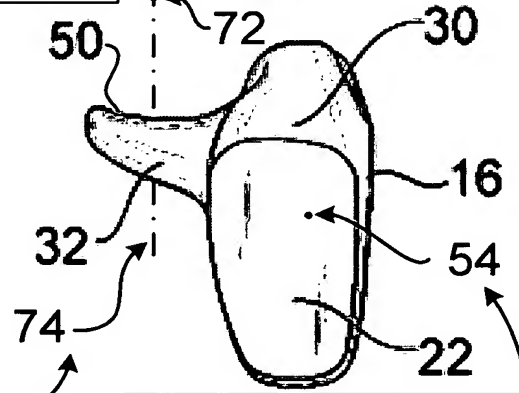
Fig. 4



Added sign line, reference numeral, and location of centerline 54 of Fig. 6.

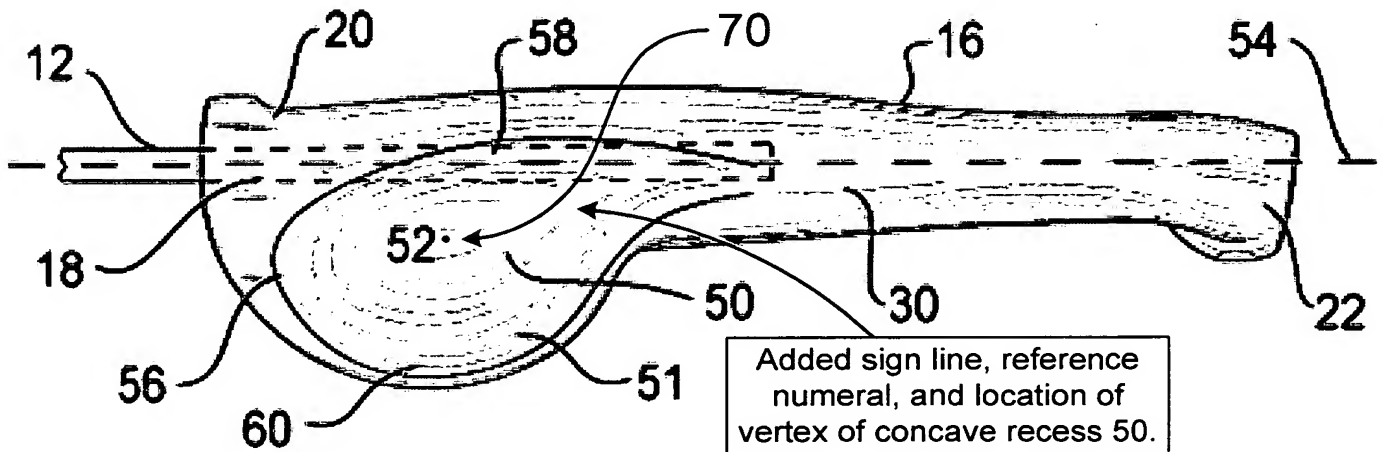
Added sign line, reference numeral, and location of center of curvature of concave recess 50.

Fig. 5



Added sign line, reference numeral, and location of centerline 54 of Fig. 6.

Fig. 6



Added sign line, reference numeral, and location of vertex of concave recess 50.

Fig. 7

